



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 1

#### PROCEEDS OF CRIME

### CHAPTER 3

#### NORTHERN IRELAND

#### *Confiscation: other amendments*

### **30 Variation or discharge**

- (1) In section 173 of the Proceeds of Crime Act 2002 (inadequacy of available amount: variation of confiscation order), in subsection (1)(b), after “the defendant” insert “or the prosecutor”.
- (2) After section 175 of that Act insert—

#### **“175A Recovery from estate of deceased defendant impractical: discharge of order**

- (1) This section applies if—
  - (a) a court has made a confiscation order,
  - (b) the defendant dies while the order is not satisfied, and
  - (c) the prosecutor applies to the Crown Court for the discharge of the order.
- (2) The court may discharge the order if it appears to the court that—
  - (a) it is not possible to recover anything from the estate of the deceased for the purpose of satisfying the order to any extent, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) it would not be reasonable to make any attempt, or further attempt, to recover anything from the estate of the deceased for that purpose.”
- (3) Section 175A of that Act (inserted by subsection (2) above) applies to—
- (a) a confiscation order made under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 ([S.I. 1990/2588 \(N.I. 17\)](#)), or
  - (b) a confiscation order made under Part 2 of the Proceeds of Crime (Northern Ireland) Order 1996 ([S.I. 1996/1299 \(N.I. 9\)](#)),
- as it applies to a confiscation order made under the Proceeds of Crime Act 2002.